

# Exhibit 5

To: hilary geary [REDACTED]  
From: Alexander, Brooke (Federal) Case 1:18-cv-05025-JMF Document 129-5 Filed 09/06/18 Page 2 of 45  
Sent: Wed 4/5/2017 4:24:19 PM  
Importance: Normal  
Subject: tonight  
Received: Wed 4/5/2017 4:24:00 PM

Mrs. Ross,

Do you have plans following the Newseum? I'm asking because Steve Bannon has asked that the Secretary talk to someone about the Census and around 7-7:30 pm is the available time. He could do it from the car on the way to a dinner ...

Brooke V Alexander

Executive Assistant to the Secretary

The U.S. Department of Commerce

Washington, D.C. 20230

balexander@doc.gov

202-482-[REDACTED] office

[REDACTED] cell

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**From:** A M Neuman [REDACTED]  
**Sent:** 4/14/2017 3:41:31 AM  
**To:** Comstock, Earl (Federal) [REDACTED]  
**Subject:** Re: Census Questiion

I believe that the annual notification to Congressional committee relating to questionnaire content additions for 2020 Census just took place. (Which is why there were a few articles about the lack of planned questions relating to sexual orientation).  
Let me double-check on that.

There will be another opportunity next year.

I recommend that you ask the Bureau to provide a list of the response rates on ALL demographic questions currently asked on the ACS. You will see whether certain demographic questions have lower response rates than others -- especially among certain demographic groups. That is something that can be provided OFF THE SHELF.

A. Mark Neuman

> On Apr 13, 2017, at 9:58 PM, Comstock, Earl (Federal) <[REDACTED]> wrote:  
>  
> Hi Mark -- quick question. When does Census need to notify Congress regarding the questions that will be on (A) the ACS and (B) the decennial Census?  
>  
> Thanks. Earl  
>  
> Sent from my iPhone

**From:** Wilbur Ross [REDACTED]  
**Sent:** 5/2/2017 2:23:38 PM  
**To:** Teramoto, Wendy (Federal) [REDACTED]  
**Subject:** Re: Census

Let's try to stick him in there for a few days to fact find. W

Sent from my iPhone

On May 2, 2017, at 7:17 AM, Teramoto, Wendy (Federal) <[mailto:wendy.teramoto@fha.dhsgov.gov](#)> wrote:

I continue to talk frequently with Marc Neumann and we often have dinner together. He will not leave les but is in love with the census and talks about it non stop. [REDACTED] Do you want me to set up another meeting? [REDACTED]

t [REDACTED] Let me know if you want to have a drink or get together with him over the weekend.  
Wendy

Sent from my iPhone

Begin forwarded message:

**From:** "Alexander, Brooke (Federal)" [REDACTED]  
**Date:** May 2, 2017 at 7:10:21 AM PDT  
**To:** "Teramoto, Wendy (Federal)" <[REDACTED]>  
**Subject:** FW: Census

-----Original Message-----

From: Wilbur Ross [REDACTED]  
Sent: Tuesday, May 02, 2017 10:04 AM  
To: Comstock, Earl (Federal) <[REDACTED]>; Herbst, Ellen (Federal) <[REDACTED]>  
Subject: Census

Worst of all they

emphasize that they have settled with congress on the questions to be asked. I am mystified why nothing have been done in response to my months old request that we include the citizenship question. Why not?

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**From:** Comstock, Earl (Federal) [REDACTED]  
**Sent:** 5/2/2017 2:19:11 PM  
**To:** Wilbur Ross [REDACTED]  
**CC:** Herbst, Ellen (Federal) [REDACTED]  
**Subject:** Re: Census

I agree Mr Secretary.

On the citizenship question we will get that in place. The broad topics were what were sent to Congress earlier this year as required. It is next March -- in 2018 -- when the final 2020 decennial Census questions are submitted to Congress. We need to work with Justice to get them to request that citizenship be added back as a census question, and we have the court cases to illustrate that DoJ has a legitimate need for the question to be included. I will arrange a meeting with DoJ staff this week to discuss.

Earl

Sent from my iPhone

> On May 2, 2017, at 10:04 AM, Wilbur Ross [REDACTED] wrote:

>

[REDACTED] Worst of all they emphasize that they have settled with congress on the questions to be asked. I am mystified why nothing have been done in response to my months old request that we include the citizenship question. Why not? [REDACTED]

> Sent from my iPhone

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**From:** Comstock, Earl (Federal) [REDACTED]@doc.gov]  
**Sent:** 5/4/2017 11:58:40 AM  
**To:** [REDACTED]@usdoj.gov  
**Subject:** Call today to discuss DoC Issues

Hi Mary Blanche –

Contacts over the White House said that you would be the best person for me to talk to at DoJ on Commerce issues. I am the new Director of Policy and Strategic Planning at Commerce and was the confirmation Sherpa on the transition for Secretary Ross.

If you or your assistant could let me know a couple of times today that work for you for a call I would appreciate it.

Thank you in advance,

Earl

Earl W. Comstock  
Director  
Office of Policy and Strategic Planning  
United States Department of Commerce  
[REDACTED]

---

**From:** Comstock, Earl (Federal) [REDACTED]  
**Sent:** 5/4/2017 12:27:32 AM  
**To:** Branstad, Eric (Federal) [EBranstad@doc.gov]  
**Subject:** Re: DOJ contact

Thanks Eric! Earl

Sent from my iPhone

On May 3, 2017, at 8:10 PM, Branstad, Eric (Federal) <[REDACTED]> wrote:

Eric D Branstad  
Senior White House Advisor  
Department of Commerce  
[REDACTED]

(202) 531-1620

Begin forwarded message:

**From:** "Flynn, Matthew J. EOP/WHO" <[REDACTED]>  
**Date:** May 3, 2017 at 7:15:56 PM EDT  
**To:** "Branstad, Eric (Federal)" <[REDACTED]>  
**Subject: RE: DOJ contact**

DOJ Mary Blanche Hankey [REDACTED] [REDACTED]

-----Original Message-----

From: Branstad, Eric (Federal) [REDACTED]  
Sent: Wednesday, May 3, 2017 3:41 PM  
To: Flynn, Matthew J. EOP/WHO [REDACTED]  
Subject: DOJ contact

Who is best counterpart to reach out to at DOJ - Regarding Census and Legislative issue?

Thanks

Eric

Branstad, Eric (Federal)  
Senior White House Advisor  
Department of Commerce  
(202) 531-1620  
[REDACTED]

**Withheld as Privileged**

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**From:** Langdon, David (Federal) [REDACTED]  
**Sent:** 5/24/2017 10:51:56 PM  
**To:** Blumerman, Lisa M [lisa.m.blumerman@census.gov]  
**Subject:** Fwd: Requested Information - Legal Review All Residents...

Fyi on the citizenship question below. Can you provide a short answer? Ideally this evening.

----- Original message -----

From: "Langdon, David (Federal)"  
Date: 05/24/2017 5:53 PM (GMT-05:00)  
To: "Reist, Burton H (CENSUS/ADDC FED)"  
Cc: "Creech, Melissa L" , "Dinwiddie, James L"  
Subject: RE: Requested Information - Legal Review All Residents...

Actually, the Secretary seemed interested on subjects and puzzled why citizenship is not included in 2020.

[REDACTED] Say, citizenship. What criteria drives us to put it on ACS but not 2020?

**From:** Reist, Burton H (CENSUS/ADDC FED) [mailto:[burton.h.reist@census.gov](mailto:burton.h.reist@census.gov)]  
**Sent:** Wednesday, May 24, 2017 5:42 PM  
**To:** Langdon, David (Federal) <[REDACTED](mailto:REDACTED)>  
**Cc:** Creech, Melissa L <[melissa.l.creech@census.gov](mailto:melissa.l.creech@census.gov)>; Dinwiddie, James L <[james.l.dinwiddie@census.gov](mailto:james.l.dinwiddie@census.gov)>  
**Subject:** Re: Requested Information - Legal Review All Residents...

David,

Melissa and I will be in early tomorrow. If you need anything let us know.

Lisa and I are also happy to discuss the Lifecycle stuff I sent and answer the questions you have.

Burton

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**From:** Langdon, David (Federal) <[REDACTED](mailto:REDACTED)>  
**Sent:** Wednesday, May 24, 2017 5:24:30 PM  
**To:** Reist, Burton H (CENSUS/ADDC FED)

**Cc:** Melissa L Creech (CENSUS/PCO FED); James L Dinwiddie (CENSUS/ADDC FED)

**Subject:** RE: Requested Information - Legal Review All Residents...

Thank you!

I apologize for not answering sooner, but I honestly have been in meeting with SWR all afternoon. (Not the norm.)

This is a lot to digest, but I [REDACTED]

**From:** Reist, Burton H (CENSUS/ADDC FED) [<mailto:burton.h.reist@census.gov>]

**Sent:** Wednesday, May 24, 2017 4:10 PM

**To:** Langdon, David (Federal) [REDACTED]

**Cc:** Creech, Melissa L <[melissa.l.creech@census.gov](mailto:melissa.l.creech@census.gov)>; Dinwiddie, James L <[james.l.dinwiddie@census.gov](mailto:james.l.dinwiddie@census.gov)>

**Subject:** Fw: Requested Information - Legal Review All Residents...

This is the more complete set of documents that I referenced in my earlier email.

Burton

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**From:** Misty L Reed (CENSUS/DEPDIR FED)

**Sent:** Wednesday, May 24, 2017 4:02 PM

**To:** Reist, Burton H (CENSUS/ADDC FED)

**Subject:** Requested Information - Legal Review All Residents...

Hotspots are amazing and luckily I scanned the files (Melissa gave me hard copies).

Let me know if there's anything else I can provide.

Thanks,

Misty

**Misty Reed, PhD, PMP, Special Assistant, Communications Directorate, U.S. Census Bureau**

Office 301.763.0228 Cell [REDACTED] [misty.l.reed@census.gov](mailto:misty.l.reed@census.gov)

[census.gov](http://census.gov) Connect with us on [Social Media](#)

**To:** Wilbur Ross[REDACTED]  
**From:** Comstock, Earl (Federal)  
**Sent:** Tue 8/8/2017 7:44:29 PM  
**Importance:** Normal  
**Subject:** Re: [REDACTED]  
**Received:** Tue 8/8/2017 7:44:29 PM

[REDACTED]

Will be back shortly with an update on the census question. I have two attorneys in the DoC General Counsel's office working on it.

Earl

On 8/8/17, 1:20 PM, "Wilbur Ross" [REDACTED] wrote:

[REDACTED]  
Were you on the call this morning about Census? [REDACTED]  
[REDACTED] where is the DoJ in their analysis ? If they still have not come to a conclusion please let me know your contact person and I will call the AG. Wilbur Ross

Sent from my iPhone

> On Aug 8, 2017, at 10:52 AM, Comstock, Earl (Federal) <[REDACTED]> wrote:  
>  
> [REDACTED]

---

**From:** Wilbur Ross [REDACTED]  
**Sent:** 8/10/2017 7:38:25 PM  
**To:** Comstock, Earl (Federal) [REDACTED]  
**Subject:** Re: Census Matter

I would like to be briefed on Friday by phone. I probably will need an hour or so to study the memo first. [REDACTED] WLR

Sent from my iPad

> On Aug 9, 2017, at 10:24 AM, Comstock, Earl (Federal) <[REDACTED]> wrote:  
>  
> PREDECISIONAL AND ATTORNEY-CLIENT PRIVILEGED  
>  
> Mr. Secretary - we are preparing a memo and full briefing for you on the citizenship question. The memo will be ready by Friday, and we can do the briefing whenever you are back in the office.  
[REDACTED]  
>  
> Earl  
>  
> On 8/8/17, 1:20 PM, "Wilbur Ross" [REDACTED] wrote:  
>

[REDACTED] Were you on the call this morning about Census?  
[REDACTED] where is the DoJ in their analysis ? If they still have not come to a conclusion please let me know your contact person and I will call the AG.  
Wilbur Ross

>  
> Sent from my iPhone  
>  
>> On Aug 8, 2017, at 10:52 AM, Comstock, Earl (Federal) <[REDACTED]> wrote:  
>> [REDACTED]  
>  
>

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**From:** Comstock, Earl (Federal) [REDACTED]@doc.gov]  
**Sent:** 8/16/2017 8:44:41 PM  
**To:** Teramoto, Wendy (Federal) [REDACTED]@doc.gov]  
**CC:** Wilbur Ross [REDACTED]  
**Subject:** Re: Memo on Census Question

Thanks Wendy. That works for me. Earl

**From:** Wendy Teramoto <[REDACTED]@doc.gov>  
**Date:** Wednesday, August 16, 2017 at 4:24 PM  
**To:** "Comstock, Earl (Federal)" <[REDACTED]@doc.gov>  
**Cc:** Wilbur Ross <[REDACTED]>  
**Subject:** Re: Memo on Census Question

Peter Davidson and Karen Dunn Kelly will both be here Monday. Let's spend 15 min together and sort this out. W

Sent from my iPhone

On Aug 11, 2017, at 4:12 PM, Comstock, Earl (Federal) <[REDACTED]@doc.gov> wrote:

Mr. Secretary –

Per your request, here is a draft memo on the citizenship question that James Uthmeier in the Office of General Counsel prepared and I reviewed. Once you have a chance to review we should discuss so that we can refine the memo to better address any issues.

Before making any decisions about proceeding I would also like to bring in Peter Davidson and Census counsel to ensure we have a comprehensive analysis of all angles.

Thanks. Earl

<Census Memo Draft2 Aug 11 2017.docx>

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**From:** Neuhaus, Chelsey [REDACTED]  
**Sent:** 8/29/2017 5:42:15 PM  
**To:** Park-Su, Sahra [REDACTED]; Comstock, Earl (Federal) [REDACTED]  
**CC:** Leach, Macie (Federal) [REDACTED]; Hernandez, Israel (Federal) [REDACTED] Dorsey, Cameron [REDACTED]; Bedan, Morgan (Federal) [REDACTED]  
**Subject:** RE: Census

Done. Anyone else?

Chelsey Neuhaus  
Scheduler | Office of the Secretary  
United States Department of Commerce  
[REDACTED]

**From:** Park-Su, Sahra  
**Sent:** Tuesday, August 29, 2017 1:26 PM  
**To:** Comstock, Earl (Federal) <[REDACTED]>  
**Cc:** Neuhaus, Chelsey <[REDACTED]>; Leach, Macie (Federal) <[REDACTED]>; Hernandez, Israel (Federal) <[REDACTED]>; Dorsey, Cameron <[REDACTED]>; Bedan, Morgan (Federal) <[REDACTED]>  
**Subject:** Re: Census

Chelsey,

Please add me to the list of attendees. Thank you.

Sahra Park-Su

Sent from my iPhone

On Aug 29, 2017, at 1:23 PM, Comstock, Earl (Federal) <[REDACTED]> wrote:

Yes. That is the list as far as I know. Earl

**From:** "Neuhaus, Chelsey" <[CNeuhaus@doc.gov](mailto:CNeuhaus@doc.gov)>  
**Date:** Tuesday, August 29, 2017 at 1:18 PM  
**To:** Macie Leach <[REDACTED]>, "Park-Su, Sahra" <[REDACTED]>, "Hernandez, Israel (Federal)" <[REDACTED]>, "Dorsey, Cameron" <[REDACTED]>, "Comstock, Earl (Federal)" <[REDACTED]>

**Cc:** "Bedan, Morgan (Federal)" [REDACTED]

**Subject:** FW: Census

Hi All – Would one of you be able to confirm that these are the only attendees that should be included in next Wednesday's census briefing RE: legal questions:

Wendy Teramoto (Federal) [REDACTED]

Israel Hernandez (Federal) [REDACTED]

Earl Comstock (Federal) [REDACTED]

James Uthmeier (Federal) [REDACTED]

Davidson, Peter (Federal) [REDACTED]

Kelley, Karen (Federal) <[REDACTED]>

Thanks!

Chelsey Neuhaus

Scheduler | Office of the Secretary

United States Department of Commerce

**From:** Kelley, Karen (Federal)

**Sent:** Tuesday, August 29, 2017 1:11 PM

**To:** Teramoto, Wendy (Federal) <[REDACTED]>

**Cc:** Davidson, Peter (Federal) <[REDACTED]>; Hernandez, Israel (Federal) <[REDACTED]>; Comstock, Earl (Federal) <[REDACTED]>; Uthmeier, James (Federal) <[REDACTED]>; Neuhaus, Chelsey <[REDACTED]>; Bedan, Morgan (Federal) <[REDACTED]>

**Subject:** Re: Census

Good with me..

Sent from my iPhone

On Aug 29, 2017, at 12:36 PM, Teramoto, Wendy (Federal) <[REDACTED]> wrote:

Yes – how about next wed at 10 am --- cc'ing KDK.

**From:** Davidson, Peter (Federal)

**Sent:** Tuesday, August 29, 2017 12:07 PM

**To:** Hernandez, Israel (Federal) [REDACTED] Comstock, Earl (Federal) [REDACTED] Uthmeier, James (Federal) [REDACTED]  
**Cc:** Teramoto, Wendy (Federal) [REDACTED]  
**Subject:** Census

The Secretary asked to set up a briefing on some of the key legal questions he is concerned about. Can we get something on the books for next week when Izzy returns? I can't find Karen in the directory...but she should be included as well. Izzy, I know you and James have been working on this for a while...so I will hand off to you to coordinate.

**From:** Wilbur Ross [REDACTED]  
**Sent:** 9/1/2017 3:12:16 AM  
**To:** Comstock, Earl (Federal) [REDACTED]  
**CC:** Teramoto, Wendy (Federal) [REDACTED]  
**Subject:** Re: [REDACTED]

I have received no update, nor has there been an update [REDACTED], nor the issue of the census question, nor whether KDB thinks we have our arms around the census cost data nor another candidate. To run census, [REDACTED]

Sent from my iPad

> On Aug 31, 2017, at 6:29 AM, Comstock, Earl (Federal) [REDACTED] wrote:

>

> Earl

>

> on 8/30/17, 10:37 PM, "wilbur Ross" [REDACTED] wrote:

>  
> Sent from my iPad

>

>> On Aug 30, 2017, at 5:47 PM, Comstock, Earl (Federal) [REDACTED] wrote:

>>

>> From: "Comstock, Earl (Federal)" <[REDACTED]>  
>> Date: Wednesday, August 30, 2017 at 5:44 PM  
>> To: "Ross, Wilbur (Federal)" [REDACTED]  
>> Cc: Wendy Teramoto [REDACTED]  
>> Subject: [REDACTED]

>>

>> Mr. Secretary -

>> Thank you.

>>

>> Earl

>>

>> [cid:image001.png@01D321B8.05B678E0]

>> [cid:image002.png@01D321B8.05B678E0]

>> [FU ScanSnap Manager #ix500]

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>> <image001.png>

>> <image002.png>

>> <image003.png>

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**From:** Comstock, Earl (Federal) <[REDACTED]@doc.gov>  
**Sent:** 9/1/2017 3:21:06 AM  
**To:** Wilbur Ross <[REDACTED]>  
**CC:** Teramoto, Wendy (Federal) <[REDACTED]@doc.gov>  
**Subject:** Re: ITA Request for [REDACTED]

Understood. Wendy and I are working on it.

On Census, I have a meeting tomorrow morning with Ellen and Karen where they are supposed to have definitive numbers. I will send you a report on the meeting and the numbers as soon as that finishes. I will ask Karen to report to you on any candidates and thoughts.

[REDACTED]  
Earl

On 8/31/17, 11:12 PM, "Wilbur Ross" <[REDACTED]> wrote:

I have received no update, nor has there been an update on [REDACTED] nor the issue of the census question, nor whether KDB thinks we have our arms around the census cost data nor another candidate. To run census, [REDACTED]

Sent from my iPad

> On Aug 31, 2017, at 6:29 AM, Comstock, Earl (Federal) <[REDACTED]@doc.gov> wrote:

>  
> [REDACTED]  
>  
> Earl  
>  
> On 8/30/17, 10:37 PM, "Wilbur Ross" <[REDACTED]> wrote:  
[REDACTED]

>  
> Sent from my iPad  
>

>> On Aug 30, 2017, at 5:47 PM, Comstock, Earl (Federal) <[REDACTED]@doc.gov> wrote:  
[REDACTED]

t  
>>  
>> From: "Comstock, Earl (Federal)" <[REDACTED]@doc.gov>  
>> Date: Wednesday, August 30, 2017 at 5:44 PM  
>> To: "Ross, Wilbur (Federal)" <[REDACTED]>  
>> Cc: Wendy Teramoto <[REDACTED]@doc.gov>  
>> Subject: ITA Request for [REDACTED]  
>>  
>> Mr. Secretary -  
>>

>> Thank you.  
>>  
>> Earl  
>>  
>> [cid:image001.png@01D321B8.05B678E0]  
>> [cid:image002.png@01D321B8.05B678E0]  
>> [FU ScanSnap Manager #ix500]  
>>  
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>> <image001.png>  
>> <image002.png>  
>> <image003.png>  
>  
>

**From:** JUthmeier@doc.gov [REDACTED] PII  
**Sent:** 9/7/2017 8:58:18 PM  
**To:** Comstock, Earl (Federal) [REDACTED] PII  
**CC:** Davidson, Peter (Federal) [REDACTED] PII  
**Subject:** Re: Census Matter Follow-Up

Hi Earl-

[REDACTED]

James

On Sep 7, 2017, at 4:53 PM, Comstock, Earl (Federal) <[REDACTED] PII> wrote:

Hi Peter and James –

As I discussed with James a little while ago, the Secretary would like an update on progress since the discussion yesterday regarding the citizenship question.

If we could get a short email or memo today that would be great.

Thanks. Earl

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**From:** Comstock, Earl (Federal) [REDACTED]@doc.gov]  
**Sent:** 9/7/2017 10:13:10 PM  
**To:** Davidson, Peter (Federal) [REDACTED]@doc.gov; Uthmeier, James (Federal) [REDACTED]@doc.gov  
**CC:** Teramoto, Wendy (Federal) [REDACTED]@doc.gov  
**Subject:** Re: Census Matter Follow-Up

I suggest setting up a call for tomorrow. The Secretary is asking for progress on this. Earl

**From:** "Davidson, Peter (Federal)" <[REDACTED]@doc.gov>  
**Date:** Thursday, September 7, 2017 at 5:30 PM  
**To:** "Uthmeier, James (Federal)" <[REDACTED]@doc.gov>, "Comstock, Earl (Federal)" <[REDACTED]@doc.gov>  
**Cc:** Wendy Teramoto <[REDACTED]@doc.gov>  
**Subject:** RE: Census Matter Follow-Up



**From:** Uthmeier, James (Federal)  
**Sent:** Thursday, September 07, 2017 4:58 PM  
**To:** Comstock, Earl (Federal) <[REDACTED]@doc.gov>  
**Cc:** Davidson, Peter (Federal) <[REDACTED]@doc.gov>  
**Subject:** Re: Census Matter Follow-Up

Hi Earl-



James

On Sep 7, 2017, at 4:53 PM, Comstock, Earl (Federal) <[\[REDACTED\]@doc.gov](mailto:[REDACTED]@doc.gov)> wrote:

Hi Peter and James –

[REDACTED]

[REDACTED]

Thanks. Earl

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**Sent:** 9/7/2017 9:26:42 PM  
**To:** Uthmeier, James (Federal) [REDACTED@doc.gov]; Comstock, Earl (Federal) [REDACTED@doc.gov]  
**Subject:** RE: Census Matter Follow-Up

[REDACTED]

**From:** Uthmeier, James (Federal)  
**Sent:** Thursday, September 07, 2017 4:58 PM  
**To:** Comstock, Earl (Federal) <[REDACTED@doc.gov]>  
**Cc:** Davidson, Peter (Federal) <[REDACTED@doc.gov]>  
**Subject:** Re: Census Matter Follow-Up

Hi Earl-

[REDACTED]

James

On Sep 7, 2017, at 4:53 PM, Comstock, Earl (Federal) <[REDACTED@doc.gov]> wrote:

Hi Peter and James –

[REDACTED]

Thanks. Earl

To: Teramoto, Wendy (Federal) [REDACTED]@doc.gov]  
From: Comstock, Earl (Federal)  
Sent: Sat 9/16/2017 11:33:38 AM  
Importance: Normal  
Subject: Calls with DoJ  
Received: Sat 9/16/2017 11:33:38 AM

Morning Wendy –

Here is the memo I gave SWLR regarding my discussions with DoJ.

Earl

\*\*\*

September 8, 2017

To: Secretary Wilbur Ross

Fr: Earl Comstock

Re: Census Discussions with DoJ

In early May Eric Branstad put me in touch with Mary Blanche Hankey as the White House liaison in the Department of Justice. Mary Blanche worked for AG Sessions in his Senate office, and came with him to the Department of Justice. We met in person to discuss the citizenship question. She said [REDACTED]

[REDACTED] A few days later she directed me to James McHenry in the Department of Justice.

I spoke several times with James McHenry by phone, and after considering the matter further James said [REDACTED]

[REDACTED] James directed me to Gene Hamilton at the Department of Homeland Security.

Gene and I had several phone calls to discuss the matter, and then Gene relayed that after discussion DHS really felt that it was best handled by the Department of Justice.

At that point the conversation ceased and I asked James Uthmeier, who had by then joined the Department of Commerce Office of General Counsel, to [REDACTED]

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**From:** [REDACTED]@doc.gov [REDACTED]  
**Sent:** 9/18/2017 3:10:02 PM  
**To:** Gore, John (CRT) [REDACTED]  
**Subject:** Re: Call

Hi. AG and Sec spoke. Pls let me know when you have a minute.

Sent from my iPhone

On Sep 16, 2017, at 3:55 PM, Gore, John (CRT) <[REDACTED]> wrote:  
Wendy:

By this email, I introduce you to Danielle Cutrona from DOJ. Danielle is the person to connect with about the issue we discussed earlier this afternoon.

Danielle:

Wendy's cell phone number is 2 [REDACTED]

Thanks.

Sent from my iPhone

On Sep 13, 2017, at 4:57 PM, Teramoto, Wendy (Federal) [REDACTED] wrote:  
Yes. CC'ing macie to set up. Look forward to connecting. W

Sent from my iPhone

On Sep 13, 2017, at 4:44 PM, Gore, John (CRT) <[REDACTED]> wrote:  
Wendy:

My name is John Gore, and I am an acting assistant attorney general in the Department of Justice. I would like to talk to you about a DOJ-DOC issue. Do you have any time on your schedule tomorrow (Thursday) or Friday for a call?

Thanks.

John M. Gore  
Acting Assistant Attorney General  
Civil Rights Division  
U.S. Department of Justice  
[REDACTED]  
[REDACTED]

---

**From:** [REDACTED]@doc.gov  
**Sent:** 9/18/2017 12:24:55 AM  
**To:** Cutrona, Danielle (OAG) [REDACTED]  
**Subject:** Re: Call

They connected. Thanks for the help. Wendy

Sent from my iPhone

On Sep 17, 2017, at 12:10 PM, Cutrona, Danielle (OAG) <[REDACTED]> wrote:  
Wendy,  
The Attorney General is available on his cell. His number is 2[REDACTED]. He is in Seattle so he is 3 hours behind us.  
From what John told me, it sounds like we can do whatever you all need us to do and the delay was due to a  
miscommunication. The AG is eager to assist. Please let me know if you need anything else. You can reach me at [REDACTED].

Thanks,

Danielle

Sent from my iPhone

On Sep 17, 2017, at 10:08 AM, Cutrona, Danielle (OAG) <[REDACTED]> wrote:  
Checking now. Will let you know as soon as I hear from him.

Sent from my iPhone

On Sep 16, 2017, at 6:29 PM, Teramoto, Wendy (Federal) <[REDACTED]> wrote:  
Thanks. Danielle-pls let me know when the AG is available to speak to Secretary Ross. Thanks. Anytime on the weekend  
is fine too. W

Sent from my iPhone

On Sep 16, 2017, at 3:55 PM, Gore, John (CRT) <[REDACTED]> wrote:  
Wendy:

By this email, I introduce you to Danielle Cutrona from DOJ. Danielle is the person to connect with about the issue we  
discussed earlier this afternoon.

Danielle:

Wendy's cell phone number is [REDACTED]

Thanks.

Sent from my iPhone

On Sep 13, 2017, at 4:57 PM, Teramoto, Wendy (Federal) <[REDACTED]> wrote:

Yes. CC'ing macie to set up. Look forward to connecting. W

Sent from my iPhone

On Sep 13, 2017, at 4:44 PM, Gore, John (CRT) <[REDACTED]> wrote:  
Wendy:

My name is John Gore, and I am an acting assistant attorney general in the Department of Justice. I would like to talk to you about a DOJ-DOC issue. Do you have any time on your schedule tomorrow (Thursday) or Friday for a call?

Thanks.

John M. Gore  
Acting Assistant Attorney General  
Civil Rights Division  
U.S. Department of Justice  
[REDACTED]  
[REDACTED]

---

**From:** Wilbur Ross [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6EA444C1E0EB42CF8DC621A7B6D014B4-WLR]  
**Sent:** 9/19/2017 3:02:32 PM  
**To:** Davidson, Peter (Federal) [REDACTED]@doc.gov]  
**Subject:** Census

Wendy and I spoke with the AG yesterday. Please follow up so we can resolve this issue today. WLR

Sent from my iPhone

---

**From:** Wilbur Ross [REDACTED]  
**Sent:** 10/8/2017 10:51:01 PM  
**To:** Davidson, Peter (Federal) [REDACTED]@doc.gov]  
**Subject:** Re: Letter from DoJ.

Please call me at [REDACTED] WLR

Sent from my iPad

> On Oct 8, 2017, at 6:47 PM, Davidson, Peter (Federal) <[REDACTED]@doc.gov> wrote:  
>  
> I'm on the phone with Mark Neumann right now...he is giving me a readout of his meeting last week. I can give you an update via phone if you'd like...  
>  
> Sent from my iPhone  
>  
>> On Oct 8, 2017, at 2:56 PM, Wilbur Ross [REDACTED] wrote:  
>>  
>> What is its status? WLR  
>>  
>> Sent from my iPad

To: Davidson, Peter (Federal) [REDACTED]  
From: Murnane, Barbara (Federal) Case 1:18-cr-05025-JMF Document 129-5 Filed 09/06/18 Page 30 of 45  
Sent: Mon 11/27/2017 5:27:47 PM  
Importance: Normal  
Subject: John Gore from DOJ called - his number is: [REDACTED]  
Received: Mon 11/27/2017 5:27:48 PM

**To:** Wilbur Ross  
**From:** Davidson, Peter (Federal)  
**Sent:** Tue 11/28/2017 12:53:51 AM  
**Importance:** Normal  
**Subject:** Re: Census. Questions  
**Received:** Tue 11/28/2017 12:53:52 AM

Case 1:18-cv-05025-JMF Document 129-5 Filed 09/06/18 Page 31 of 45

I can brief you tomorrow...no need for you to call. I should have mentioned it this afternoon when we spoke.

Sent from my iPhone

On Nov 27, 2017, at 7:23 PM, Wilbur Ross <[REDACTED]> wrote:

Census is about to begin translating the questions into multiple languages and has let the printing contact. We are out of time. Please set up a call for me tomorrow with whoever is the responsible person at Justice. We must have this resolved. WLR

Sent from my iPhone

**Withheld as Privileged**

---

**From:** Stephen L Buckner (CENSUS/ADCOM FED) [Stephen.L.Buckner@census.gov]  
**Sent:** 12/19/2017 6:49:06 PM  
**To:** Ron S Jarmin (CENSUS/ADEP FED) [Ron.S.Jarmin@census.gov]; Enrique Lamas (CENSUS/ADDP FED) [Enrique.Lamas@census.gov]  
**Subject:** Fwd: DOC guidance sought on questions arising from the DOJ letter

Begin forwarded message:

**From:** "Alan Lang (CENSUS/OCIA FED)" <[alan.lang@census.gov](mailto:alan.lang@census.gov)>  
**Date:** December 19, 2017 at 1:46:51 PM EST  
**To:** "Platt, Mike (Federal)" <[REDACTED]>, Brian Lenihan <[REDACTED]>  
**Cc:** "Stephen L Buckner (CENSUS/ADCOM FED)" <[Stephen.L.Buckner@census.gov](mailto:Stephen.L.Buckner@census.gov)>, "[REDACTED]" <[REDACTED]>  
**Subject:** DOC guidance sought on questions arising from the DOJ letter

Mike et al,

Stephen is en route to DOC and asked me to let you know that he'd like to synch up with you on potential questions regarding the DOJ letter. With tomorrow's All Senate briefing set for 10 am and the briefing request from Rep. Cuellar regarding the ACO issue, we'd like to have DOC guidance on how to respond to certain questions that may be posed to Census briefers this week. Stephen will follow up with you in person shortly...

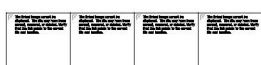
Many thanks,

Alan

---

Alan Lang

Acting Chief, Office of Congressional and  
Intergovernmental Affairs, U.S. Census Bureau  
U.S. Department of Commerce  
Office: [301-763-1950](tel:301-763-1950)

Connect with us: 

**From:** Zadrozny, John A. EOP/WHO [REDACTED] PII  
**Sent:** 12/20/2017 1:46:17 AM  
**To:** Uthmeier, James (Federal) [REDACTED] PII [REDACTED]  
**Subject:** RE: Census Question Request

James:

10-4. I am more or less online now, [REDACTED] I can either talk around 9:00 p.m., or we can connect around 8:00 a.m. tomorrow morning, if that worked for you.

I just wanted to make sure you were looped in to this. The only questions I really have are, [REDACTED]

JZ

w: [REDACTED] PII  
c: [REDACTED]

**From:** Uthmeier, James (Federal) [mailto:[REDACTED] PII]  
**Sent:** Tuesday, December 19, 2017 8:01 PM  
**To:** Zadrozny, John A. EOP/WHO <[REDACTED] PII>  
**Subject:** Re: Census Question Request

Hi John. I'm looped in. Should be available to talk in about 10-15. Can give more context. My number is [REDACTED] PII

Sent from my iPhone

On Dec 19, 2017, at 6:47 PM, Zadrozny, John A. EOP/WHO <[REDACTED] PII> wrote:

James:

**Heads-up. Might need your help with this ASAP.**

I'm about to leave the office and will be out of pocket for about an hour, but should be online and able to talk around 8:00 p.m. at the latest.

Thanks in advance for your assistance,

John A. Zadrozny

Special Assistant to the President

Justice and Homeland Security

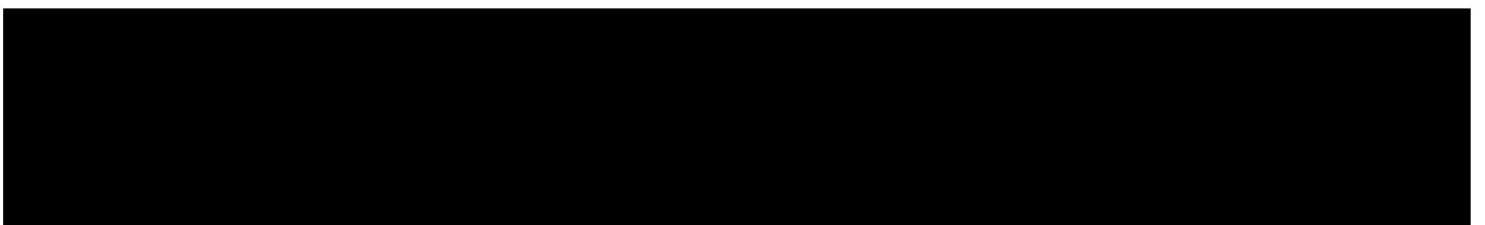
Domestic Policy Council

Executive Office of the President

w: **PII**  
c:

**From:** Page, Ben J. EOP/OMB [mailto:**PII**]  
**Sent:** Tuesday, December 19, 2017 5:52 PM  
**To:** Simms, Cindy B. EOP/WHO <**PII**>; Lenihan, Brian (Federal) <**PII**>;  
Anderson, Jessica C. EOP/OMB <**PII**>  
**Cc:** Platt, Mike (Federal) <**PII**>; Lai, Joseph G. EOP/WHO <**PII**>; Swonger, Amy H.  
EOP/WHO <**PII**>; Zadrozny, John A. EOP/WHO <**PII**>; Flynn,  
Matthew J. EOP/WHO <**PII**>; Kraninger, Kathleen L. EOP/OMB  
<**PII**>; Enger, Michelle A. EOP/OMB <**PII**>; Marten, Lexi  
N. EOP/OMB <**PII**>  
**Subject:** RE: Census Question Request

+ others from OMB



**From:** Simms, Cindy B. EOP/WHO [mailto:**PII**]  
**Sent:** Tuesday, December 19, 2017 5:44 PM  
**To:** Lenihan, Brian (Federal) <**PII**>; Page, Ben J. EOP/OMB <**PII**>;  
Anderson, Jessica C. EOP/OMB <**PII**>  
**Cc:** Platt, Mike (Federal) <**PII**>; Lai, Joseph G. EOP/WHO <**PII**>; Swonger, Amy H.  
EOP/WHO <**PII**>; Zadrozny, John A. EOP/WHO <**PII**>; Flynn,  
Matthew J. EOP/WHO <**PII**>  
**Subject:** RE: Census Question Request

Adding Ben Page and Jessica Anderson from OMB.

**From:** Lenihan, Brian (Federal) [[mailto:\[REDACTED\]](#) **PII**]  
**Sent:** Tuesday, December 19, 2017 5:10 PM  
**To:** Simms, Cindy B. EOP/WHO <[\[REDACTED\]](#) **PII**>  
**Cc:** Platt, Mike (Federal) <[\[REDACTED\]](#) **PII**>; Lai, Joseph G. EOP/WHO <[\[REDACTED\]](#) **PII**>; Swonger, Amy H. EOP/WHO <[\[REDACTED\]](#) **PII**>; Zadrozny, John A. EOP/WHO <[\[REDACTED\]](#) **PII**>; Flynn, Matthew J. EOP/WHO <[\[REDACTED\]](#) **PII**>  
**Subject:** Re: Census Question Request

I believe we have a reprieve but we should still visit on this matter.

Brian J. Lenihan

Commerce O/S

[REDACTED] **PII**

On Dec 19, 2017, at 4:56 PM, Simms, Cindy B. EOP/WHO <[\[REDACTED\]](#) **PII**> wrote:

John Zadrozny from our DPC team is going to reach out to you. Not sure we'd be able to clear an official position that quickly but I know John will follow up.

**From:** Lenihan, Brian (Federal) [[mailto:\[REDACTED\]](#) **PII**]  
**Sent:** Tuesday, December 19, 2017 3:39 PM  
**To:** Platt, Mike (Federal) <[\[REDACTED\]](#) **PII**>; Simms, Cindy B. EOP/WHO <[\[REDACTED\]](#) **PII**>  
**Cc:** Lai, Joseph G. EOP/WHO <[\[REDACTED\]](#) **PII**>; Swonger, Amy H. EOP/WHO <[\[REDACTED\]](#) **PII**>  
**Subject:** RE: Census Question Request

This is a short fuse – before COB, we need to advise the Secretary of the WH view on notifying Congress on the DOJ request and how that would affect the agenda for the remainder of the week.

**From:** Platt, Mike (Federal)  
**Sent:** Tuesday, December 19, 2017 3:36 PM  
**To:** Simms, Cindy B. EOP/WHO <[\[REDACTED\]](#) **PII**>  
**Cc:** Lenihan, Brian (Federal) <[\[REDACTED\]](#) **PII**>; Lai, Joseph G. EOP/WHO <[\[REDACTED\]](#) **PII**>; Amy H. EOP/WHO Swonger <[\[REDACTED\]](#) **PII**>  
**Subject:** Re: Census Question Request

Any feedback on this.

On Dec 19, 2017, at 10:29 AM, Simms, Cindy B. EOP/WHO <PII> wrote:

Thanks, Brian. Let me do some internal outreach before I put everyone on an email. Will be in touch.

**From:** Lenihan, Brian (Federal) [[mailto:PII](mailto:)]

**Sent:** Tuesday, December 19, 2017 10:14 AM

**To:** Simms, Cindy B. EOP/WHO <PII>; Lai, Joseph G. EOP/WHO <PII>

**Cc:** Platt, Mike (Federal) <PII>

**Subject:** Census Question Request

Cindy/Joe –

The Census Bureau has received a request from DOJ to reinstate the citizenship question on the 2020 Decennial. Can you assist with looping in the policy and legal staff that can assist with addressing this matter.

Regards,

Brian

**Brian J. Lenihan**

Deputy Assistant Secretary

Office of Legislative and Intergovernmental Affairs

U.S. Department of Commerce

D: 202.482PII C: PII

**From:** [REDACTED] PII [REDACTED]  
**Sent:** 12/20/2017 1:01:09 AM  
**To:** Zadrozny, John A. EOP/WHO [REDACTED] PII  
**Subject:** Re: Census Question Request

Hi John. I'm looped in. Should be available to talk in about 10-15. Can give more context. My number is [REDACTED] PII

Sent from my iPhone

On Dec 19, 2017, at 6:47 PM, Zadrozny, John A. EOP/WHO <[REDACTED] PII [REDACTED]> wrote:  
James:

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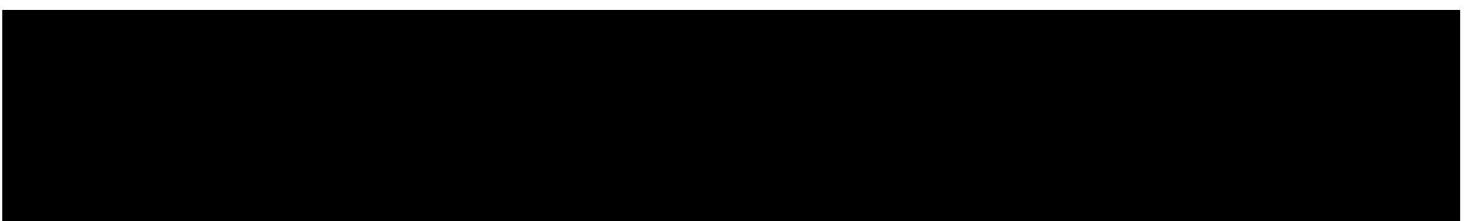
Thanks in advance for your assistance,

John A. Zadrozny  
Special Assistant to the President  
Justice and Homeland Security  
Domestic Policy Council  
Executive Office of the President

w: [REDACTED] PII [REDACTED]  
c: [REDACTED] PII [REDACTED]

**From:** Page, Ben J. EOP/OMB [mailto:[REDACTED] PII [REDACTED]]  
**Sent:** Tuesday, December 19, 2017 5:52 PM  
**To:** Simms, Cindy B. EOP/WHO <[REDACTED] PII [REDACTED]>; Lenihan, Brian (Federal) <[REDACTED] PII [REDACTED]>; Anderson, Jessica C. EOP/OMB <[REDACTED] PII [REDACTED]>  
**Cc:** Platt, Mike (Federal) <[REDACTED] PII [REDACTED]>; Lai, Joseph G. EOP/WHO <[REDACTED] PII [REDACTED]>; Swonger, Amy H. EOP/WHO <[REDACTED] PII [REDACTED]>; Zadrozny, John A. EOP/WHO <[REDACTED] PII [REDACTED]>; Flynn, Matthew J. EOP/WHO <[REDACTED] PII [REDACTED]>; Kraninger, Kathleen L. EOP/OMB <[REDACTED] PII [REDACTED]>; Enger, Michelle A. EOP/OMB <[REDACTED] PII [REDACTED]>; Marten, Lexi N. EOP/OMB <[REDACTED] PII [REDACTED]>  
**Subject:** RE: Census Question Request

+ others from OMB



[REDACTED]

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EOP/WHO <[PII](#)>; Zadrozny, John A. EOP/WHO <[PII](#)>; Flynn,  
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EOP/WHO <[PII](#)>; Zadrozny, John A. EOP/WHO <[PII](#)>; Flynn,  
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Commerce O/S  
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**Sent:** Tuesday, December 19, 2017 3:39 PM  
**To:** Platt, Mike (Federal) <[PII](#)>; Simms, Cindy B. EOP/WHO <[PII](#)>;  
**Cc:** Lai, Joseph G. EOP/WHO <[PII](#)>; Swonger, Amy H. EOP/WHO  
<[PII](#)>  
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**Cc:** Platt, Mike (Federal) <PII>  
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Regards,  
Brian

**Brian J. Lenihan**

Deputy Assistant Secretary  
Office of Legislative and Intergovernmental Affairs  
U.S. Department of Commerce  
D: 202.482.PII C: PII

To: Davidson, Peter (Federal) [REDACTED]  
From: Murnane, Barbara (Federal) Case 1:18-cr-05025-JMF Document 129-5 Filed 09/06/18 Page 41 of 45  
Sent: Wed 1/3/2018 6:58:52 PM  
Importance: Normal  
Subject: John Gore from DOJ returned your call - [REDACTED]  
Received: Wed 1/3/2018 6:58:53 PM

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**From:** Murnane, Barbara (Federal) [REDACTED@doc.gov]  
**Sent:** 1/10/2018 7:21:26 PM  
**To:** Davidson, Peter (Federal) [REDACTED@doc.gov]  
**Subject:** Messages

John Gore – DOJ – [REDACTED]

[REDACTED]

**From:** Zadrozny, John A. EOP/WHO [REDACTED] **PII**  
**Sent:** 2/21/2018 11:02:38 PM  
**To:** Lenihan, Brian (Federal) [REDACTED] **PII**  
**CC:** Uthmeier, James (Federal) [REDACTED] **PII**; Hamilton, Gene (OAG) [REDACTED] **PII**; Sherk, James B. EOP/WHO [REDACTED] **PII**  
**Subject:** RE: Conversation Next Week

Thanks, Brian.

JZ

w: [REDACTED] **PII**  
c: [REDACTED] **PII**

**From:** Lenihan, Brian (Federal) [mailto:[REDACTED] **PII**]  
**Sent:** Wednesday, February 21, 2018 5:52 PM  
**To:** Zadrozny, John A. EOP/WHO <[REDACTED] **PII**>  
**Cc:** Uthmeier, James (Federal) <[REDACTED] **PII**>; Hamilton, Gene (OAG) <[REDACTED] **PII**>; Sherk, James B. EOP/WHO <[REDACTED] **PII**>  
**Subject:** Re: Conversation Next Week

Monday afternoon is good on my end

BJL

[REDACTED] **PII**  
via iPad

On Feb 21, 2018, at 5:49 PM, Zadrozny, John A. EOP/WHO <[REDACTED] **PII**> wrote:

James:

If Brian is okay with it, I have no problem on waiting until you get back. I know this conversation is somewhat time-sensitive, though.

I should be able to do Monday 2/26, working around some PCCs and a couple of other meetings.

Does 4:00-5:00 p.m. work for the group on Monday? If so, I can set logistics and send out a calendar appointment.

(Also, I am adding James Sherk.)

JZ

w: **PII**

c:

**From:** Uthmeier, James (Federal) [mailto:**PII**]

**Sent:** Wednesday, February 21, 2018 5:00 PM

**To:** Zadrozny, John A. EOP/WHO <**PII**>; Lenihan, Brian (Federal) <**PII**>

**Cc:** Hamilton, Gene (OAG) <**PII**>

**Subject:** Re: Conversation Next Week

Hey John,

I can make a call work tomorrow but would prefer Monday if at all possible. Let me know - we might have some better updates at that time.

Thanks,

James

---

On: 21 February 2018 20:36,

"Zadrozny, John A. EOP/WHO" <**PII**> wrote:

Brian:

Let me know. I can track down a call-in number.

JZ

w: **PII**

c:

**From:** Lenihan, Brian (Federal) [mailto:**PII**]

**Sent:** Wednesday, February 21, 2018 1:24 PM

**To:** Zadrozny, John A. EOP/WHO <**PII**>

**Cc:** Uthmeier, James (Federal) <**PII**>; Hamilton, Gene (OAG) <[C](#)> <**PII**>

**Subject:** Re: Conversation Next Week

I am checking to see if James can call in from abroad (7+ hrs)

BJL

[REDACTED] PII [REDACTED]

via iPad

On Feb 16, 2018, at 12:58 PM, Zadrozny, John A. EOP/WHO <[REDACTED] PII [REDACTED]> wrote:

Brian, James, and Gene:

I wanted to connect with the three of you about having that conversation we discussed at some point next week.

Please let me know who else from your respective agencies needs to be in attendance. We will host. We have significant scheduling flexibility after next Tuesday 2/20, but as a starter suggestion, how about **Thursday 2/22 from 11:00 a.m.-noon**? Once we pin down time, I will send out a WAVES link and make other necessary arrangements.

Please do not hesitate to call me if questions.

John A. Zadrozny

Special Assistant to the President

Justice and Homeland Security

Domestic Policy Council

Executive Office of the President

w: [REDACTED] PII [REDACTED]  
c: [REDACTED]